



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**FILED**

12-10-07  
04:59 PM

Order Instituting Rulemaking into the Review  
Of the California High Cost Fund B Program

Rulemaking 06-06-028

**COMMENTS OF PACIFIC BELL TELEPHONE COMPANY D/B/A AT&T  
CALIFORNIA (U 1001 C); AT&T ADVANCED SOLUTIONS, INC. (U 6346 C); AT&T  
COMMUNICATIONS OF CALIFORNIA (U 5002 C); TCG SAN FRANCISCO  
(U 5454 C); TCG LOS ANGELES, INC. (U 5462 C); TCG SAN DIEGO (U 5389 C); AND  
AT&T MOBILITY LLC (NEW CINGULAR WIRELESS PCS, LLC (U 3060 C); CAGAL  
CELLULAR COMMUNICATIONS (U 3021 C); SANTA BARBARA CELLULAR  
SYSTEMS LTD. (U 3015 C); AND VISALIA CELLULAR TELEPHONE COMPANY  
(U 3014 C)) ON PROPOSED INTERIM OPINION IMPLEMENTING  
CALIFORNIA ADVANCED SERVICES FUND**

DAVID P. DISCHER

AT&T Services, Inc.  
525 Market Street, Suite 2027  
San Francisco, CA 94105  
Tel.: (415) 778-1464  
Fax: (415) 543-0418  
E-Mail: david.discher@att.com

Attorney for AT&T California

December 10, 2007

## **TABLE OF CONTENTS**

	<b><u>Page No(s)</u></b>
<b>I. INTRODUCTION .....</b>	<b>2</b>
<b>II. DISCUSSION .....</b>	<b>4</b>
<b>A. The Proposed Decision Errs In Defining “Unserved” Based On The Absence Of Services Above Speed Cutoffs .....</b>	<b>4</b>
<b>B. The Proposed Decision Would Provide Support To “Underserved” Areas Where There Is Already One Provider, a Questionable Use of Limited Public Funding.....</b>	<b>9</b>
<b>C. The Proposed Decision Undermines The Application Process By Authorizing Competitors To File Counter-Applications After Applications Are Submitted.....</b>	<b>10</b>
<b>D. The Commission Should Clarify The Geographic Scope Of Applications .....</b>	<b>11</b>
<b>E. Allocating \$100M To The CASF Will Prevent B-Fund Obligations From Being Met .....</b>	<b>12</b>
<b>III CONCLUSION.....</b>	<b>14</b>

## **TABLE OF AUTHORITIES**

### **Page No(s)**

#### **California Cases**

United States Steel Corp. v. Public Utilities Com'n (1981), 29 Cal.3d 603.....	6
--	---

#### **Federal Communications Commission Orders**

In the Matter of Review of the Section 251 Unbundling Requirements of Incumbent Local Exchange Carriers, CC Docket Nos. 01-338, 96-98, 98-147, Report and Order on Remand and Further Notice of Proposed Rulemaking, 18 FCC Rcd. 19020, FCC 03-36 (rel. Aug. 21, 2003).....	6
---	---

#### **California Public Utilities Commission Decisions**

Re Minimum Rate Tariff 4-B, Decision No. 83-06-019, Opinion on Rehearing, 11 Cal. P.U.C.2d 672 (June 1, 1983) .....	7
Re Review of the California High Cost Fund B Program, Decision No. 07-09-020, Interim Opinion Adopting Reforms to the High Cost Fund-B Mechanism, 2007 WL 2694030 (Cal.P.U.C. Sept. 6, 2007) .....	3, 12-14
Re Adoption of a General Order and Procedures to Implement the Digital Infrastructure and Video Competition Act of 2006, Decision No. 07-10-013, Opinion Resolving Issues in Phase II, 2007 WL 2907967 (Cal.P.U.C. Oct. 13, 2007) .....	5

#### **Rules and Regulations**

California Public Utilities Commission Rules of Practice and Procedure, Rule 14.3 .....	1, 7
---	------

#### **Other Authorities**

California Public Utilities Commission Resolution T-17078, Re Approval of California High Cost Fund-B Administrative Committee Fund Surcharge Rate of 1.30% Effective April 1, 2007 (Mar. 1, 2007) .....	12-13
Committee on Broadband Last Mile Technology, Computer Science and Telecommunications Board, National Research Council, <i>Bringing Home the Bits</i> , "Broadband Applications: Promise and Reality" (2002).....	8

Federal Communications Commission, Industry Analysis and Technology Division (Wireline Competition Bureau), High-Speed Services for Internet Access: Status as of December 31, 2006, Table 10 (Oct. 2007), available at < <a href="http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-277784A1.pdf">http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-277784A1.pdf</a> > .....	5-6
Moohoun Song, Peter Orazem, and Rajesh Singh, “Broadband Access, Telecommuting and the Urban-Rural Digital Divide,” Iowa State University Department of Economics Working Papers Series, Working Paper #06002 (Feb. 2006) .....	8
Om Malik, Need for Speed . . . How Real?, (Dec. 20, 2005), available at < <a href="http://gigaom.com/2005/12/20/need-for-speed/">http://gigaom.com/2005/12/20/need-for-speed/</a> > .....	7
Rachelle B. Chong, “The 31 Flavors of the Net Neutrality Debate: Beware the Trojan Horse,” NYU Advanced Communications Law & Policy Institute Scholarship Series (Dec. 2007) .....	5

Pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedures, AT&T<sup>1</sup> hereby identifies the legal, technical, and factual errors in the Proposed Interim Opinion Implementing California Advanced Services Fund ("CASF") issued by Commissioner Chong ("Proposed Decision" or "PD").

While these comments must focus on legal, technical, and factual errors, it is important that the bigger picture not be forgotten. AT&T supports the Commission's efforts to promote the deployment of broadband service in areas where no terrestrial service exists.<sup>2</sup> AT&T also supports efforts to promote adoption of broadband service where that service is already available. The CASF represents a groundbreaking step in the evolution of Universal Service policy, and AT&T enthusiastically supports the goals of the program. However, the greatest need in California is to bring broadband service to areas that currently do not have terrestrial broadband access – no DSL, no cable modem service, and no next-generation higher speed broadband currently being deployed by AT&T and other providers. AT&T is concerned that the CASF, as currently proposed, will primarily result in supporting faster service in areas already served, at the expense of areas that have no broadband service. The issue here is not really speed – everyone agrees that higher speeds are better. The issue is how best to spend limited public monies. AT&T believes public monies for broadband facilities should first go to bring terrestrial broadband service to those with no service today. In areas that already have broadband facilities, public monies should then be focused on overcoming the barriers to adoption of broadband (*e.g.*, vouchers to end users for equipment or service), not on overbuilding or upgrading existing broadband networks to make them faster. With modest changes, the CASF can be the model for

---

<sup>1</sup> AT&T California (U 1001 C); AT&T Advanced Solutions, Inc. (U 6346 C); AT&T Communications of California (U 5002 C); TCG San Francisco (U 5454 C); TCG Los Angeles, Inc. (U 5462 C); TCG San Diego (U 5389 C); and AT&T Mobility LLC (New Cingular Wireless PCS, LLC (U 3060 C); Cagal Cellular Communications (U 3021 C); Santa Barbara Cellular Systems Ltd. (U 3015 C); and Visalia Cellular Telephone Company (U 3014 C)).

<sup>2</sup> These comments focus on terrestrial broadband offerings as broadband through satellite service is ubiquitous.

advancement of broadband nationwide and an engine for economic and social equity in California.

## **I. INTRODUCTION**

Few could quarrel with the Proposed Decision's worthy intention of promoting the deployment of broadband services in California. There are three critical errors, however, in the means that the Proposed Decision chooses to achieve that laudable goal. They are the product of factual errors stemming from (i) the failure to consider relevant evidence, and/or (ii) the improper consideration and interpretation of evidence not in the record. If not corrected, each error would hinder, not help, the achievement of the goals of the CASF.

The first main error lies in the proposed definition of "unserved areas" that are to be eligible for support. The Proposed Decision recommends an arbitrary cutoff based on speeds of 3 megabits per second ("MBPS") download and 1 MBPS upload. Under this approach, an area would be classified as "unserved" if it is not currently being served at those speeds – even if there are two or even a dozen providers serving that area at slightly lower speeds, even if there is no evidence that consumers are purchasing the highest speed available, and even if the reason that faster speeds are not in place is simply that the market has not yet demanded them. In this manner, subsidies would go to areas where there is no real need (and where the market is already working), and would be diverted away from areas of greatest need, where there are no terrestrial broadband services available at any speed.

The Commission should instead focus on areas that are truly unserved, rather than spending consumers' money to increase the speed of service in areas that already have broadband service, when there is no evidence that consumers will purchase service at the higher speed. Given that most of California already has broadband service available through either

DSL or cable modem service, the Commission should consider programs to encourage subscribership to existing broadband offerings, not overbuilding existing broadband networks with a faster network.

The Proposed Decision makes a second fundamental error in choosing which areas are to be eligible for support, by making funds available to “underserved” areas where there is already one provider whose service *exceeds* the speed cutoffs. The Commission should not pay subsidies to add a second provider in areas that are already served by one provider (a result that would skew the competitive market and discourage investment), but rather should focus on areas where there are no providers and efforts to encourage adoption of available broadband.

Third, the Proposed Decision recommends an unworkable process for awarding support. After providers submit applications seeking support for deployment in a given area, the Proposed Decision would give competing providers 45 days to submit preemptive “counter-applications” in that same area. Such a process would discourage providers from submitting meaningful applications in the first round, because the application would disclose highly sensitive information about the provider’s deployment plans and finances, and a competitor could simply submit a counter-application that undercuts or otherwise betters initial bids. The proposed counter-application process unfairly rewards providers that wait out the first round, because instead of submitting their best offer up front, the providers can simply wait to see what the competition offers in the first round of applications, then offer just enough to beat those initial applications.

Finally, the Proposed Decision errs in allocating \$100M to the CASF from the 0.5% surcredit established for the B-Fund. The facts show that such an amount is not available after the Commission meets the B-Fund obligations it set out in D.07-09-020.

## II. DISCUSSION

### A. **The Proposed Decision Errs In Defining “Unserved” Based On The Absence Of Services Above Speed Cutoffs.**

The Proposed Decision’s first fundamental error lies in designating which areas are to be supported by the new CASF. On the surface, giving priority to “unserved” areas seems unobjectionable. The problem, however, is that the Proposed Decision goes on (at 39) to define an “unserved” area as one “that is not currently being served by broadband *at or above the upload/ download speed standards adopted herein*” (emphasis added): 3 MBPS download and 1 MBPS upload. An area would be declared unserved even if it is currently “being served by broadband” that meets the FCC definition of broadband or even one which offers significantly higher speeds, but misses the proposed upload or download speed standards by a few kilobits. To illustrate, assume there are ten providers offering broadband service in a given area; each offers download speeds much faster than the 3 MBPS standard, but offers upload speeds just below 1 MBPS. Under the Proposed Decision, that area would be called “unserved” and it would be just as eligible for support as an area that is not “served by broadband” at all; that is, where there are *no* providers offering terrestrial broadband service at any speed. As a result, the CASF would end up subsidizing one of the many competing providers in an area: not to provide broadband where there is none, but to provide a higher speed than its numerous competitors.

Such a result would be manifestly unfair and anti-competitive, as it would give one competitor a subsidy to compete against its rivals. Further, the proposed definition of “unserved” areas would divert funds from the areas of greatest need (the truly unserved areas) to areas where there is no need at all. In essence, this proposal will leave the unconnected still unconnected – but leave them paying for others to get even faster broadband. As Verizon cogently put it: “Areas that already have wireline availability, even if the service offered is below 3 MBPS, should not be eligible for funding. Using the CASF to upgrade existing broadband



service is likely to substantially expand the size of the fund and may limit available funding to unserved areas.”<sup>3</sup>

The Proposed Decision’s attempt to impose a speed cutoff for defining “unserved” areas is based on three factual errors. First, the Proposed Decision fails to consider *why* the broadband service in a given area should be defined by a unique speed threshold rather than the current FCC definition. This Commission has held that the market for broadband service is competitive, and it “expect[s] that technologies being used and data speeds will rapidly change as competitive forces drive providers to invest constantly in new technology and increase data speeds in response to consumer demand.”<sup>4</sup> The evidence shows that the market is working: the comments of AT&T, T-Mobile, and others demonstrated the vigorous competition and deployment in the state.<sup>5</sup> Moreover, the FCC’s report on High-Speed Services for Internet Access as of December 31, 2006 shows the number of high-speed lines in California increased by over *twenty-three times*: from just over half a million at the end of 1999 to over 11,750,000 by the end of 2005.<sup>6</sup> In 2006 alone, the number of high-speed lines increased by over *4 million* or *60 percent*: from 7.3 million to 11.75 million.<sup>7</sup> As a result of this dramatic growth, high-speed

---

<sup>3</sup> Verizon Comments, p. 4 (Sept. 26, 2007).

<sup>4</sup> *Re Adoption of a General Order and Procedures to Implement the Digital Infrastructure and Video Competition Act of 2006*, Decision No. 07-10-013, *Opinion Resolving Issues in Phase II*, 2007 WL 2907967 (Cal.P.U.C. Oct. 13, 2007), *mimeo*, p. 22 (see section 3.2). The FCC has also concluded the broadband market is competitive on a nationwide basis (see *In the Matter of Review of the Section 251 Unbundling Requirements of Incumbent Local Exchange Carriers*, CC Docket Nos. 01-338, 96-98, 98-147, *Report and Order on Remand and Further Notice of Proposed Rulemaking*, 18 FCC Rcd. 19020, FCC 03-36 (rel. Aug. 21, 2003) (“TRO”), ¶¶ 236, 245-46), as has Commissioner Chong herself (see Rachelle B. Chong, “The 31 Flavors of the Net Neutrality Debate: Beware the Trojan Horse,” *NYU Advanced Communications Law & Policy Institute Scholarship Series* (Dec. 2007), p. 2 (“By looking at the most recent data, the conclusion is obvious: the current marketplace for broadband service is very healthy, which means that consumers are reaping the rewards of vigorous competition.”)).

<sup>5</sup> AT&T Comments, pp. 1-2 (Sept. 26, 2007); T-Mobile Comments, p. 3 (Sept. 26, 2007) (“the number of broadband connections, on both a state and federal level, seems to be growing rapidly without the advent of such subsidies”); *id.* at 10 (“the broadband penetration rate . . . in the state has consistently been above the national rate” and “most Californians have the option of more than one broadband provider”); Verizon Comments, p. 13 (Sept. 26, 2007); SureWest Comments, p. 3 (Sept. 26, 2007) (“Many service providers are reportedly ramping up their broadband investments, and the Commission can expect that unserved or underserved areas that are economic to serve will receive service before long without subsidy”).

<sup>6</sup> See Federal Communications Commission, Industry Analysis and Technology Division (Wireline Competition Bureau), *High-Speed Services for Internet Access: Status as of December 31, 2006*, Table 10 (Oct. 2007), available at <[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-277784A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-277784A1.pdf)>.

<sup>7</sup> See *id.*

services are available by cable modem in 98 percent of California homes where cable systems offer cable TV service, and in 83 percent of California homes where incumbent LECs offer local telephone service.<sup>8</sup> All of this growth has occurred without the payment of any of state broadband subsidies.

In any case, given the vibrant competition in the marketplace, subsidizing providers to upgrade their service to offer 3 MBPS/1 MBPS speeds would require some evidence as to why the market is not working to provide service at those speeds, even though the market is clearly working to make service available at lower speeds.<sup>9</sup> No party presented any such evidence; to the contrary, several parties presented evidence that the market is working, and even the parties that supported funding acknowledged the need to be careful in determining which areas are truly unserved. The Proposed Decision does not undertake an analysis of whether and why competition is failing and that oversight alone constitutes factual error. The application process (described at pages 39-40 of the PD) will not require any showing of failure by current providers of meeting customer needs, just that 3 MBPS/1 MBPS is not being provided.

Second, the “evidence” the Proposed Decision *does* consider should not have been considered, because it was not made part of the record and is not the type that is appropriate for official notice. AT&T acknowledges this is a quasi-legislative proceeding, and the Commission has wide latitude in its decision making process. But even in Rulemakings, the Commission has to justify its decisions with findings of fact based on the record.<sup>10</sup> Here, on the critical issue of

---

<sup>8</sup> See *id.* at Table 14.

<sup>9</sup> In fact, providers are responding to market forces with deployment of higher speed products such as AT&T’s U-Verse and Verizon’s FiOS. See AT&T’s DSL speeds (at <<http://www.att.com/gen/general?pid=6431>>) and AT&T’s U-verse speeds (at <[https://uverse1.att.com/un/loadSelectOfferAction.do?From\\_UMA\\_Iframe=True&UMA\\_Launch\\_Url=/uma/RetrieveCatalogContent?ITEMTYPE=COMPONENT&ITEMID=2000466&DOCTYPE=LEARNMORE&FORMAT=IFRAME&APPID=AMSS](https://uverse1.att.com/un/loadSelectOfferAction.do?From_UMA_Iframe=True&UMA_Launch_Url=/uma/RetrieveCatalogContent?ITEMTYPE=COMPONENT&ITEMID=2000466&DOCTYPE=LEARNMORE&FORMAT=IFRAME&APPID=AMSS)>); Verizon’s DSL speeds (at <<http://www22.verizon.com/content/consumerdsl/plans/all+plans/all+plans.htm>>) and Verizon’s FiOS speeds (at <<http://www22.verizon.com/content/consumerfios/about+fios/v/who+wins+fios+vs+cable/who+wins+fios+vs+cable.htm>>).

<sup>10</sup> See *United States Steel Corp. v. Public Utilities Com’n* (1981), 29 Cal.3d 603, 608-09 (“Concomitant with the discretion conferred on the Commission is the duty to consider all facts that might bear on exercise of that discretion. The Commission must consider alternatives presented and factors warranting adoption of those alternatives. (Citations omitted.) That duty is inherent in the requirement that the decision ‘contain separately stated, findings of fact and conclusions of law . . . on all issues material to the order or decision.’ (Citations omitted.)”).

the minimum required speed to be acceptable as a broadband service, the Proposed Decision (at 34-35, fns. 42-46) adopts facts from several sources for the propositions that (i) the speed standards are necessary to support telecommuting, (ii) South Korea has deployed facilities at similar speeds,<sup>11</sup> and (iii) a European study advocated a 7 MBPS standard.<sup>12</sup> The related footnotes do *not* cite any party's comments, nor do they cite reports issued by the FCC or by any state agency. Instead, these sources are unpublished and some published reports – none of which would qualify for official notice. One assertion (that “a different nation has one-third of its households with fiber-based connections with plans to wire the remaining two-thirds . . . by 2010,” at page 35 of the PD) comes without any supporting citation to any source. No party has had the opportunity to review and challenge those facts or present countervailing facts, because they appeared *for the first time* in this Proposed Decision. At this stage, parties are precluded by Commission rules from introducing new facts.<sup>13</sup>

Additionally, review of the sources illustrates why reliance on them at this stage is inappropriate. The “Need for Speed” source cited at page 34, footnote 42 does not appear to be a government report or a peer-reviewed or even a published article. It instead appears to be a “blog.” Moreover, although the cited blog asserts there is some desire for higher broadband speeds, it does not advocate government subsidies. The blog also notes that “cable operators, and phone companies” are “roll[ing] out faster broadband connections,” and concludes that “the real impact of the speed . . . is marginal.”<sup>14</sup>

Third, the sources cited by the Proposed Decision regarding telecommuting do not support the proposed use of speed standards to define which areas are “unserved.” It is one thing to say telecommuting is desirable, or applications that meet the proposed speed standards will

---

*See also* (referring to *U.S. Steel*) *Re Minimum Rate Tariff 4-B*, Decision No. 83-06-019, *Opinion on Rehearing*, 11 Cal. P.U.C.2d 672, 678 (June 1, 1983) (“What is required is sufficient evidence, of whatever kind, to sustain findings in the light of the controlling constitutional and statutory provisions.”).

<sup>11</sup> Actually, no source is cited for this assertion. *See* Proposed Decision, p. 35, fn. 45.

<sup>12</sup> AT&T searched the Internet for this study without success.

<sup>13</sup> *See* Rule 14.3(c) of the Commission's Rules of Practice and Procedure.

<sup>14</sup> Om Malik, *Need for Speed . . . How Real?*, (Dec. 20, 2005), available at <<http://gigaom.com/2005/12/20/need-for-speed/>>.

receive a preference in funding. But it is quite another to decide that support is *necessary* and must be made available in any area that does not currently meet the speed standards – even if there are multiple broadband providers already in place, even if many consumers do not purchase the highest speed available to them, and even if such subsidies divert funds from areas where there are no terrestrial broadband providers. The sources relied on to conclude that telecommuting benefits from broadband did not conclude that current DSL and cable modem services available today are inadequate.<sup>15</sup> In the same vein, the National Academy of Sciences 2002 Report<sup>16</sup> referenced in footnote 43 of the PD cites the primary problem with “[c]urrent-generation DSL and cable-modem technology [is they] are unable to provide large quantities of high-quality video-on-demand”<sup>17</sup> but concludes that “many of these applications remain more promise than reality.”<sup>18</sup>

In contrast to these sources that either do not support the necessity of 3 MBPS download and 1 MBPS upload as minimum speeds of acceptable broadband service, official reports issued by the FCC show: 1) the speeds currently offered by cable modem, DSL, and satellite services are meeting the needs of most broadband users; 2) that growth of availability of broadband without public support has been exponential; and 3) that the market will address the need for faster internet access. Moreover, the FCC information is perfectly appropriate for official notice and to provide a factual basis for the Commission’s decision.

---

<sup>15</sup> In fact, in the article cited in footnote 42, the authors defined high-speed broadband as current DSL and cable modem offerings. See Moohoun Song, Peter Orazem, and Rajesh Singh, “Broadband Access, Telecommuting and the Urban-Rural Digital Divide,” *Iowa State University Department of Economics Working Papers Series*, Working Paper #06002 (Feb. 2006). That article contains the following conclusions: “Broadband access is particularly useful for telecommuting because cable modem lines and DSL are at least five times faster than typical modem lines and so high-speed Internet improves the productivity of computer use from home.” *Id.* at 7. “One of the concerns with the rapid expansion of high-speed Internet was that rural residents would be left behind as firms entered more lucrative urban markets. In fact, there are only modest differences in Internet usage between urban and rural markets.” *Id.* at 11. “The peak for use occurs at about .7 providers, suggesting that what is most important for telecommuting is the presence of at least one provider and not the presence of several providers from which to choose.” *Id.* at 14-15.

<sup>16</sup> Committee on Broadband Last Mile Technology, Computer Science and Telecommunications Board, National Research Council, *Bringing Home the Bits*, “Broadband Applications: Promise and Reality” (2002).

<sup>17</sup> See *id.* at 82-83.

<sup>18</sup> *Id.* at 117.

AT&T accordingly urges the Commission not to define an area as “unserved” based on the proposed cutoff speeds of 3 MBPS/1MBPS. Instead, “unserved areas” should be defined as those that truly are unserved: where no terrestrial broadband service is currently available at 200 KBPS (the FCC’s definition of “broadband service”) or the 500 KBPS standard used as the minimum reporting speed by the Governor’s Task Force.

**B. The Proposed Decision Would Provide Support To “Underserved” Areas Where There Is Already One Provider, a Questionable Use of Limited Public Funding.**

In addition to defining “unserved” areas too broadly (by treating an area as “unserved” even where it *is* served by broadband), the Proposed Decision would also ill-advisedly provide support to “underserved” areas where there is already one provider at or above the proposed speed cutoffs (and perhaps many other providers just below those cutoffs). The Commission should not pay subsidies in areas where there is already one provider meeting the Commission’s service criteria, particularly given that, as discussed above, most people in California today are able to obtain broadband service with DSL or cable modem service (as well as wireless alternatives).

Furthermore, given that the CASF is new and has limited funds, the Commission should target areas where terrestrial broadband service is currently unavailable – thereby focusing on the areas of greatest need – rather than using its limited funds to make more choices available to consumers who already have broadband options available, while leaving consumers with no broadband behind again. Indeed, the fact that one provider entered the area without support provides compelling evidence that no subsidy is needed for an efficient provider to enter. Using state funds to support a second provider would give that provider an artificial competitive advantage, and would be fundamentally unfair to the existing provider that undertook, by itself, the cost and risk of investing to serve the area without support. Additional providers are of course welcome to enter the market on the same terms and compete by undertaking the same cost and risk, but the CASF should not pick sides in that competition or subsidize one competitor

over another. Punishing providers that have already made substantial investments (by subsidizing their competitors) will not promote investment. Providers will become less likely to invest their own capital in California if they face the risk of having to compete against a subsidized competitor later.

**C. The Proposed Decision Undermines The Application Process By Authorizing Competitors To File Counter-Applications After Applications Are Submitted.**

The Proposed Decision recommends (at 25) that after a prospective provider submits a bid for CASF support, other providers would have 45 days to submit a counter-application for deployment in the same area. As planned, it is a truncated reverse auction with only one round of competitive bidding. The Commission should not adopt this proposal, as it would undermine the CASF and its goals.

The proposed counter-application process would discourage providers from submitting the first application. After all, submitting a bid would open the field to competitors – and provide subsequent bidders’ significant confidential information about the bidder’s proposed target market project, its costs, network design, etc. With that information in hand, a competitor would be able to unfairly undercut or otherwise better the initial bid. Prospective applicants will already be leery of disclosing their deployment plans (and projected costs) to competitors; the prospect that competitors will use that information to unfairly compete against the applicant would only chill the application process further.

By the same token, the proposed process would encourage providers *not* to submit the first application and instead wait and see the applications filed by others. The provider that “sits out” the opening round would not have to make its best or most aggressive offer; instead, it could simply review the initial bidder’s application and then take down the price a notch, or otherwise better the initial application incrementally, just enough to win.

Plainly, the CASF can only achieve its purposes if providers file meaningful applications to seek support. Yet the Proposed Decision adopts a course that would discourage providers from submitting meaningful applications, without any explanation. The Proposed Decision does

not address at all the comments of AT&T and Verizon, which demonstrated that a counter-application process would be contrary to the CASF's goals. The Commission should correct this factual error and reject the proposed counter-application process.

**D. The Commission Should Clarify The Geographic Scope Of Applications.**

Since the inception of the CHCF-B Fund, the Commission has used the geographic areas known as the "Census Block Groups" or "CBGs" as the area to be analyzed to determine eligibility for support. The Proposed Decision (at 29) anticipates that CASF applicants would address their planned deployment by CBG or by a "single contiguous group" of CBGs.<sup>19</sup> For purposes of the CASF, the CBG represents a useful reference point, and each application *should* state which CBGs are to be served. In this way, the applications will have a common geographic denominator and the Commission can more quickly and easily identify competing or overlapping applications. That said, however, the Commission should not require that an applicant serve each of the CBGs in a continuous group in its entirety with a proposed deployment. Broadband networks do not follow CBG boundaries, and the best and most efficient plan for constructing broadband facilities will almost certainly not correspond to the boundaries of a CBG. The Commission should not require that a carrier employ an inefficient design simply to cover every last bit of every CBG at hand. Further, part of a CBG may already be served, so covering the entire CBG may not provide any real benefit to consumers. The Commission should simply assess the benefits that will be provided from the areas that *are* proposed, rather than requiring a proposal to fit any specified geographic boundaries. Accordingly, the Commission should clarify that an applicant should disclose a contiguous group of CBGs to be served, but need not commit to serving each of those CBGs in its entirety.

---

<sup>19</sup> See Proposed Decision, pp. 29, 37, 52 (Ordering Paragraph 5).

**E. Allocating \$100M To The CASF Will Prevent B-Fund Obligations From Being Met.**

The Proposed Decision (at 23) proposes to allocate to the CASF \$100M of the amount collected over a two-year period from the 0.5% B-Fund surcharge. The PD calculates that amount as being approximately half of the amount the 0.5% surcharge will collect, leaving only half the collection for the B-Fund itself. The PD is correct that \$100M represents about half of what the surcharge will generate over two years. The most recent intrastate annual billing base used to set the current 1.3% B-Fund surcharge was \$21.792B.<sup>20</sup> A 0.5% surcharge applied to that billing base will generate \$218M over two years. One clarification is in order: while the PD says it “shall allocate to the CASF \$100 million,” it also says “the funds [will be] allocated half to the CASF and half to the CHCF-B.”<sup>21</sup> The final decision should clarify whether the CASF is to be allocated \$100M or half of what is really collected from the 0.5% surcharge, as those two numbers are almost certain to be different.

The Proposed Decision errs, however, in asserting (at footnote 39) that allocating half of the 0.5% surcharge to the CASF and half the surcharge to the B-Fund would leave enough money to meet B-Fund obligations, even taking into account “the CHCF-B modifications we adopted in D.07-09-020.” This is demonstrated by comparing the B-Fund payments calculated in Appendix Table 1 of D.07-09-020, and the amount that will be collected from the 0.5% surcharge. Referring to Appendix Table 1, the B-Fund obligations will be:

---

<sup>20</sup> See Resolution T-17078, Appendix A (Mar. 1, 2007).

<sup>21</sup> Proposed Decision, p. 23.



January 1, 2008 – June 30, 2008	\$136.3M <sup>22</sup>
July 1, 2008 – December 31, 2008	\$93.7M <sup>23</sup>
January 1, 2009 – June 30, 2009	\$69.5M <sup>24</sup>
July 1, 2009 – December 31, 2009	<u>\$54.0M<sup>25</sup></u>
Total for 2008 and 2009	\$353.5M

The 0.5% surcharge will generate \$218M over a two year period.<sup>26</sup> But B-Fund payments, even as reduced by D.07-09-020, will total \$353.5M. As a result, the B-Fund will already be at a deficit, and there would not be any monies left over to allocate for the CASF.

It is possible the Proposed Decision is counting on a surplus in collections through 2007, to meet B-Fund obligations through 2007. It is correct that by the end of 2007, the B-Fund surcharge will have collected more than is needed to meet B-Fund obligations. Based on Resolution T-17078, that surplus will be approximately \$124M.<sup>27</sup> But even adding this surplus (\$124M) to the amount to be collected from the 0.5% surcharge (\$218M) results in a shortfall of \$11.5M to meet B-Fund obligations – again leaving no surplus to allocate to the CASF. In its November 28, 2007 Reply Comments, AT&T identified an error in the calculation of the size of the Fund when all modifications are implemented July 1, 2009.<sup>28</sup> Correcting for that error would mean the B-Fund's projected obligations will be \$315M (rather than \$353.3M). Even factoring in the 2007 surplus, there would be \$342M available (\$124M surplus plus \$218M), leaving only

---

<sup>22</sup> \$22.713M x 6 = \$136.3M.

<sup>23</sup> \$15.622M x 6 = \$93.7M.

<sup>24</sup> \$11.588M x 6 = \$69.5M.

<sup>25</sup> \$8.994M x 6 = \$54.0M.

<sup>26</sup> As explained above, the Commission has adopted \$21,270,761,000 as the Projected Intrastate Revenues subject to surcharge. See Resolution T-17078, Appdx. A. A 0.5% surcharge applied to that billing base generates \$218M over two years.

<sup>27</sup> Resolution T-17078 identifies a Beginning Fund Balance of \$193M for Fiscal Year 2007-2008. Between July 1, 2007 and December 31, 2007, the current B-Fund surcharge of 1.3% will collect an additional \$142M and B-Fund Payments for the same period will be approximately \$211M, per D.07-09-020, Appendix Table 1. The estimated January 1, 2008 Fund Balance of \$124M = \$193M + \$142M - \$211M.

<sup>28</sup> See AT&T Reply Comments, p. 2, fn. 12 (Nov. 28, 2007).

\$27M available to the CASF. It is inescapable that the B-Fund cannot meet its obligations (even considering the changes adopted in D.07-09-020) if the Commission allocates \$100M to the CASF. The amount to be allocated to the CASF needs to be generated by adding to the 0.5% surcredit ordered in D.07-09-020.

### **III. CONCLUSION**

For the reasons set forth above, the Commission should modify the Proposed Decision as suggested above and in the attached redline of the proposed Findings of Fact and Conclusions of Law.

Dated at San Francisco, California, this 10<sup>th</sup> day of December 2007.

Respectfully submitted,

/s/  
DAVID P. DISCHER

AT&T Services, Inc.  
525 Market Street, Suite 2027  
San Francisco, CA 94105  
Tel.: (415) 778-1464  
Fax: (415) 543-0418  
E-Mail: [david.discher@att.com](mailto:david.discher@att.com)

*Attorney for AT&T California*

**Appendix: AT&T's Recommended Revisions  
to Proposed Decision's Findings of Fact and Conclusions of Law**

**Findings of Fact**

1. Pursuant to D. 07-09-020, parties were provided notice and opportunity to comment as to the merits and manner by which a mechanism could be implemented for eligible parties to qualify for funding to deploy broadband facilities in regions of California that are not currently being served, or that are underserved.

2. ~~Ubiquitous~~ The widespread deployment of broadband holds tremendous opportunities for consumers, technology providers, and content providers, and is important to the continued health and economic development in California.

3. Promoting deployment of additional broadband services within areas of California that are ~~underserved or not~~ unserved at all is consistent with universal service policies aimed at enhancing deployment of advanced services and bridging the "digital divide" as articulated in Pub. Util. Code §§ 709(c) and (d).

4. The creation of a California Advanced Services Fund would provide an effective tool to promote additional broadband services in regions that are not served ~~or are underserved~~ consistent with Pub. Util. Code § 709(c) and (d).

5. The California Advanced Services Fund will complement the CHCF-B, and help to promote universal service goals, but will not divert or transfer CHCF-B funds as the CASF funds collection will be allocated separately from the CHCF-B.

6. The funding of broadband infrastructure in high cost areas where there ~~is~~ may be market failure may be the best way to take into account dramatic advances in telecommunications and information technologies and services, while ensuring the continued effectiveness of the universal service policies set forth by the Legislature.

7. Broadband deployment in California has a direct impact on economic output and employment.

8. ~~Redesignating half of the B-Fund surcharge contribution for the CASF is the best way to fund the CASF as an initial matter.~~ The best way to fund the CASF is to add the needed amount to the 0.5% surcharge ordered in D.07-09-020 and allocate that to the CASF. Carriers may use the same surcharge line on customer bills for both the CHCF-B

**Appendix: AT&T's Recommended Revisions  
to Proposed Decision's Findings of Fact and Conclusions of Law**

and the CASF. In the future, the Commission could decide to establish a separate CASF surcharge but we find it is not necessary at this time as the CHCF-B mechanism is available and works well.

9. The programs covered by Section 270, *et. seq.* cover a myriad of topics and issues. The Commission has taken both formal and informal actions to adapt the programs to changed circumstances due to advances in technology and other factors have led to changes, including expansions of the programs since they were created.

10. The Commission has authority under Article XII of the California Constitution and Public Utilities Code § 701 to establish the California Advanced Services Fund.

11. Providing funding pursuant to Pub. Util. Code §§ 701 and 709 for deployment of broadband facilities in unserved ~~and underserved~~ high cost areas of California is ~~necessary~~ desirable to meet the objectives of universal service.

12. Legislative direction recognizes that broadband services are and will be used to deliver universal telephone service now and in the future.

13. The Legislature and Governor have both clearly proclaimed the importance of high-quality telecommunications and advanced information and communication technologies.

14. All funds will be collected and appropriated consistent with Legislative direction related to existing universal service programs.

15. It is appropriate to dedicate limited funding into the deployment of broadband facilities in unserved ~~and underserved~~ high cost areas of California.

16. The California Advanced Services Fund will accelerate broadband deployment in high cost areas more rapidly than market forces alone.

17. The initial allocation to the California Advanced Services Fund will be \$100 million collected over a two year period beginning on January 1, 2008.

18. An application process would be an appropriate procedural vehicle for seeking funding support for a proposed area that is currently unserved or underserved by broadband services.

**Appendix: AT&T's Recommended Revisions  
to Proposed Decision's Findings of Fact and Conclusions of Law**

19. Commission staff will hold a workshop to develop the application process, and final evaluation criteria, with the final evaluation criteria to be publicly noticed at least 45 days before the first CASF applications are due.

20. The initial deadline for the filing of applications by parties seeking CASF grants will be of June 2, 2008.

21. California Advanced Services Fund allocations shall be limited to a "telephone corporation[s]" as defined under Pub. Util. Code § 234.

22. Applicants shall be required to submit the following data to the Commission, for each proposed broadband project, subject to appropriate confidentiality provisions:

- A. Description of applicant's current broadband infrastructure and map of current service area by census block group;
- B. Description of proposed broadband project plan for which CASF funding is being requested, including download and upload speed capabilities of proposed facilities. Minimum speed standards shall be 200 KBPS ~~3-MBPS~~ download, and ~~1-MBPS~~ upload.
- C. Geographic locations by census block group where broadband facilities will be deployed. Boundaries of the specific area to be served by the project, with map by census block group, along with a verifiable showing that the area is unserved, ~~or underserved~~;
- D. Estimated number of potential new broadband subscribers.
- E. Schedule for deployment, with commitment to complete build out within 18-24 months of the grant of the application. Schedule shall identify major construction milestones that can be verified by Commission staff.
- F. Proposed budget for the project, with a detailed breakdown of cost elements, and including source, amount, and availability of matching funds to be supplied by applicant, and the CASF grant amount requested. At least 60% matching funds must be supplied by applicant.
- G. Proposed retail price per MBPS for new broadband service.
- H. Period of commitment to offer broadband services to all households within the service area of the project, and
- I. Financial qualifications to meet commitments.

**Appendix: AT&T's Recommended Revisions  
to Proposed Decision's Findings of Fact and Conclusions of Law**

23. Recipients must also offer a basic voice service to customers within the service area of the broadband deployment subject to the CASF grant.

24. For purposes of awards of California Advanced Services Fund support, we expand the definition of qualifying "basic service" to include any form of voice-grade service, including that offered through a wireless or VoIP service.

25. A single broadband project shall consist of a group of contiguous CBGs in which service is to be offered.

26. A 200 KBPS ~~3 MBPS/1 MBPS~~ download speed standard is adopted as the benchmark for evaluating applications.

27. A broadband project must be completed within 24 months to receive California Advanced Services Fund awards.

28. Adequate assurance of the applicant's financial qualifications sufficient to assure the Commission of its ability to complete the project shall be submitted with the application or obtained by the Commission prior to the award of any project under the California Advanced Services Fund.

29. California Advanced Services Fund awards will not be restricted only to those areas currently designated as "high cost" for purposes of basic service support.

30. We shall not restrict the eligible areas for California Advanced Services Fund awards only to the major ILEC service territories currently covered by the B-Fund.

31. ~~As a condition of receiving a California Advanced Services Fund award, the recipient should, for a five year period, offer broadband service to any residential household or small commercial business within the service territory covered by the deployment.~~

32. Evaluation of requests will consider the prices at which applicants propose to offer broadband service and award will be conditioned on the applicant honoring voluntary pricing commitments.

**Appendix: AT&T's Recommended Revisions  
to Proposed Decision's Findings of Fact and Conclusions of Law**

33. California Advanced Services awards will only be provided for authorized capital projects on approved broadband deployment projects, and shall not be used to pay for general operating or maintenance expenses.

34. Administration of the disbursement of California Advanced Services Funds is delegated to the Commission Staff to be administered consistent with the payment schedules and conditions herein.

35. California Advanced Services Fund recipients will be subject to specific audit or related verification requirements to verify that funds are spent in accordance with Commission requirements.

**Conclusions of Law**

1. Existing statutes provide the requisite authority for the Commission to support funding of broadband deployment under the approach adopted in this order.

2. Encouraging deployment of broadband through a CASF program will help to promote universal service goals, but is not a diversion or transfer from the CHCF-B to separate fund.

3. Article XII of the California Constitution and Public Utilities Code § 701 provide sufficient legal authority for the Commission to establish the California Advanced Services Fund.

4. Limited funding for deployment of broadband facilities in unserved and ~~underserved~~ areas of California is necessary to meet the objectives of universal service and is within the prescribed purpose of Pub. Util. Code §§ 701 and 709.

5. The Legislature and Governor have found the availability of high-quality telecommunications and advanced information and communication technologies important for the future prosperity of California.

6. The funds to be used by the CASF will be collected as part of the redesignated CHCF-B and CASF surcharge beginning on January 1, 2008. Carriers may use the same surcharge line on customer bills for both the CHCF-B and CASF.

**Appendix: AT&T's Recommended Revisions  
to Proposed Decision's Findings of Fact and Conclusions of Law**

7. Pub. Util. Code §§ 270(b) and 270(c) do not prohibit the expansion of existing programs.

8. As the CASF is not a transfer or diversion of funds to another fund or entity but is an expansion of an existing program, the limitations of § 270 do not apply.

9. California Advanced Services Fund allocations shall be limited to a "telephone corporation" as defined under Pub. Util. Code § 234.

10. The definition of qualifying "basic service" for the purposes of the California Advanced Services Fund is modified to include any form of voice-grade service, including that offered through a wireless or VoIP service.

11. Subject to the final evaluation criteria, the Commission may award California Advanced Services Fund support to any certificated entity that proposes to build broadband infrastructure anywhere in the state.

12. The criteria for evaluation should be competitively neutral.



CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **COMMENTS OF PACIFIC BELL TELEPHONE COMPANY D/B/A AT&T CALIFORNIA (U 1001 C); AT&T ADVANCED SOLUTIONS, INC. (U 6346 C); AT&T COMMUNICATIONS OF CALIFORNIA (U 5002 C); TCG SAN FRANCISCO (U 5454 C); TCG LOS ANGELES, INC. (U 5462 C); TCG SAN DIEGO (U 5389 C); AND AT&T MOBILITY LLC (NEW CINGULAR WIRELESS PCS, LLC (U 3060 C); CAGAL CELLULAR COMMUNICATIONS (U 3021 C); SANTA BARBARA CELLULAR SYSTEMS LTD. (U 3015 C); AND VISALIA CELLULAR TELEPHONE COMPANY (U 3014 C)) ON PROPOSED INTERIM OPINION IMPLEMENTING CALIFORNIA ADVANCED SERVICES FUND** on all persons on the official service List in **R.06-06-028**, via e-mail, hand-delivery and/or first-class U.S. Mail.

Dated this 10th day of December 2007 at San Francisco, California.

AT&T CALIFORNIA  
525 Market Street, 20<sup>th</sup> Floor  
San Francisco, CA 94105

\_\_\_\_\_  
/s/  
Hugh Osborne

# CALIFORNIA PUBLIC UTILITIES COMMISSION

## Service Lists

**Proceeding: R0606028 - CPUC - OIR INTO THE**

**Filer: CPUC**

**List Name: LIST**

**Last changed: November 20, 2007**

[Download the Comma-delimited File](#)  
[About Comma-delimited Files](#)

[Back to Service Lists Index](#)

---

## Parties

KEVIN SAVILLE  
ASSOCIATE GENERAL COUNSEL  
CITIZENS/FRONTIER COMMUNICATIONS  
2378 WILSHIRE BLVD.  
MOUND, MN 55364

ALOA STEVENS  
FRONTIER, A CITIZENS COMMUNICATIONS CO.  
PO BOX 708970  
SANDY, UT 84070-8970

JESUS G. ROMAN  
ATTORNEY AT LAW  
VERIZON CALIFORNIA INC  
112 LAKEVIEW CANYON ROAD, CA501LB  
THOUSAND OAKS, CA 91362

ESTHER NORTHRUP  
COX COMMUNICATIONS  
5159 FEDERAL BLVD.  
SAN DIEGO, CA 92105

CHRISTINE MAILLOUX  
ATTORNEY AT LAW  
THE UTILITY REFORM NETWORK  
711 VAN NESS AVENUE, SUITE 350  
SAN FRANCISCO, CA 94102

ELAINE M. DUNCAN  
ATTORNEY AT LAW  
VERIZON  
711 VAN NESS AVENUE, SUITE 300  
SAN FRANCISCO, CA 94102

REGINA COSTA  
THE UTILITY REFORM NETWORK  
711 VAN NESS AVENUE, SUITE 350

WILLIAM NUSBAUM  
THE UTILITY REFORM NETWORK  
SUITE 350

SAN FRANCISCO, CA 94102

711 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102

NATALIE WALES  
CALIF PUBLIC UTILITIES COMMISSION  
LEGAL DIVISION  
ROOM 4107  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

DAVID P. DISCHER  
GENERAL ATTORNEY  
AT&T CALIFORNIA  
525 MARKET STREET, ROOM 2027  
SAN FRANCISCO, CA 94105

MICHAEL FOREMAN  
ASSOCIATE DIRECTOR-STATE REGULATORY  
AT&T CALIFORNIA  
525 MARKET STREET, 19TH FLOOR 30  
SAN FRANCISCO, CA 94105

PETER HAYES  
PACIFIC BELL TELEPHONE COMPANY  
515 MARKET STREET, ROOM 1919  
SAN FRANCISCO, CA 94105

STEVEN H. KUKTA  
SPRINT NEXTEL CORP.  
201 MISSION STREET, SUITE 1400  
SAN FRANCISCO, CA 94105

THOMAS J. SELHORST  
SENIOR PARALEGAL  
AT&T CALIFORNIA  
525 MARKET STREET, RM. 2023  
SAN FRANCISCO, CA 94105

PETER A. CASCIATO  
A PROFESSIONAL CORPORATION  
355 BRYANT STREET, SUITE 410  
SAN FRANCISCO, CA 94107

JOHN L. CLARK  
ATTORNEY AT LAW  
GOODIN MACBRIDE SQUERI DAY & LAMPREYLLP  
505 SANSOME STREET, SUITE 900  
SAN FRANCISCO, CA 94111

MARGARET L. TOBIAS  
MANDELL LAW GROUP, PC  
THREE EMBARCADERO CENTER, SIXTH FL.  
SAN FRANCISCO, CA 94111

MARK P. SCHREIBER  
ATTORNEY AT LAW  
COOPER, WHITE & COOPER, LLP  
201 CALIFORNIA STREET, 17TH FLOOR  
SAN FRANCISCO, CA 94111

PATRICK M. ROSVALL  
ATTORNEY AT LAW  
COOPER WHITE & COOPER, LLP  
201 CALIFORNIA STREET, 17TH FLOOR  
SAN FRANCISCO, CA 94111

SUZANNE TOLLER  
ATTORNEY AT LAW  
DAVIS WRIGHT TREMAINE  
505 MONTGOMERY STREET, SUITE 800  
SAN FRANCISCO, CA 94111-6533

EARL NICHOLAS SELBY  
ATTORNEY AT LAW  
LAW OFFICES OF EARL NICHOLAS SELBY  
418 FLORENCE STREET

TERRY L. MURRAY  
MURRAY & CRATTY  
8627 THORS BAY ROAD  
EL CERRITO, CA 94530

PALO ALTO, CA 94301-1705

DOUGLAS GARRETT  
COX COMMUNICATIONS  
2200 POWELL STREET, STE. 1035  
EMERYVILLE, CA 94608

LA TANYA LINZIE  
COX CALIFORNIA TELCOM, L.L.C. DBA COX COM  
2200 POWELL STREET, SUITE 1035  
EMERYVILLE, CA 94608

LEON M. BLOOMFIELD  
ATTORNEY AT LAW  
WILSON & BLOOMFIELD, LLP  
1901 HARRISON STREET, SUITE 1620  
OAKLAND, CA 94612

LESLA LEHTONEN  
ASSISTANT GENERAL COUNSEL  
CALIFORNIA CABLE TELEVISION ASSOCIATION  
360 22ND STREET, NO. 750  
OAKLAND, CA 94612

MELISSA KASNITZ  
DISABILITY RIGHTS ADVOCATES  
2001 CENTER STREET, THIRD FLOOR  
BERKELEY, CA 94704-1204

SCOTT CRATTY  
MURRAY & CRATTY, LLC  
725 VICHY HILLS DRIVE  
UKIAH, CA 95482

CHARLES BORN  
MANAGER OF GOVT. AND EXT.AFFAIRS  
CITIZENS TELECOMMUNICATIONS CO.  
9260 E. STOCKTON BLVD.  
ELK GROVE, CA 95624

BETH FUJIMOTO  
DIRECTOR-EXTERNAL AFFAIRS  
CINGULAR WIRELESS  
PO BOX 97061  
REDMOND, WA 98073-9761

CINDY MANHEIM  
SENIOR REGULATORY COOUNSEL  
CINGULAR WIRELESS  
PO BOX 97061  
REDMOND, WA 98073-9761

## Information Only

TREVOR R. ROYCROFT PHD.  
ROYCROFT CONSULTING  
51 SEA MEADOW LANE  
BREWSTER, MA 02631

CHRIS FRENTRUP  
SPRINT NEXTEL  
2001 EDMUND HALLEY DRIVE  
RESTON, VA 20191-3436

PHILIP H. KAPLAN  
CHAIR  
19262 PEBBLE BEACH PLACE  
NORTHRIDGE, CA 91326-1444

DON EACHUS  
VERIZON CALIFORNIA, INC.  
CA501LB  
112 S. LAKE LINDERO CANYON ROAD  
THOUSAND OAKS, CA 91362

JACQUE LOPEZ  
VERIZON CALIFORNIA INC.  
CA501LB  
112 LAKEVIEW CANYON ROAD  
THOUSAND OAKS, CA 91362-3811

MICHAEL SHAMES  
ATTORNEY AT LAW  
UTILITY CONSUMERS' ACTION NETWORK  
3100 FIFTH AVENUE, SUITE B  
SAN DIEGO, CA 92103

MARCEL HAWIGER  
ATTORNEY AT LAW  
THE UTILITY REFORM NETWORK  
711 VAN NESS AVENUE, SUITE 350  
SAN FRANCISCO, CA 94102

RUDOLPH M. REYES  
ATTORNEY AT LAW  
VERIZON  
711 VAN NESS AVENUE, SUITE 300  
SAN FRANCISCO, CA 94102

KRISTIN L. JACOBSON  
SPRINT NEXTEL  
200 MISSION STREET, SUITE 1400  
SAN FRANCISCO, CA 94105

MARGARET L. TOBIAS  
ATTORNEY AT LAW  
MANDELL LAW GROUP, PC  
THREE EMBARCADERO CENTER, SIXTH FLOOR  
SAN FRANCISCO, CA 94110

JOSEPH F. WIEDMAN  
ATTORNEY AT LAW  
GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP  
505 SANSOME STREET, SUITE 900  
SAN FRANCISCO, CA 94111

SARAH DEYOUNG  
EXECUTIVE DIRECTOR  
CALTEL  
50 CALIFORNIA STREET, SUITE 1500  
SAN FRANCISCO, CA 94111

MARTIN A. MATTES  
ATTORNEY AT LAW  
NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP  
50 CALIFORNIA STREET, 34TH FLOOR  
SAN FRANCISCO, CA 94111-4799

KATIE NELSON  
DAVIS WRIGHT TREMAINE, LLP  
505 MONTGOMERY STREET, SUITE 800  
SAN FRANCISCO, CA 94111-6533

ANITA C. TAFF-RICE  
ATTORNEY AT LAW  
LAW OFFICES OF ANITA TAFF-RICE  
1547 PALOS VERDES MALL, SUITE 298  
WALNUT CREEK, CA 94597

MARIA POLITZER  
CALIFORNIA CABLE & TELECOM ASSOCIATION  
360 22ND STREET, NO. 750  
OAKLAND, CA 94612

MELISSA W. KASNITZ

JOE CHICOINE

DISABILITY RIGHTS ADVOCATES  
2001 CENTER STREET, THIRD FLOOR  
BERKELEY, CA 94704-1204

MANAGER, STATE GOVERNMENT AFFAIRS  
FRONTIER COMMUNICATIONS  
PO BOX 340  
ELK GROVE, CA 95759

MARGARET FELTS  
PRESIDENT  
CALIFORNIA COMMUNICATIONS ASSN  
1851 HERITAGE LANE STE 255  
SACRAMENTO, CA 95815-4923

## State Service

ALEX LEWIS-KOSKINEN  
CALIF PUBLIC UTILITIES COMMISSION  
PROGRAM MANAGEMENT & IMPLEMENTATION BRAN  
AREA 3-D  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

ANGEL AHSAM  
CALIF PUBLIC UTILITIES COMMISSION  
PROGRAM MANAGEMENT & IMPLEMENTATION BRAN  
AREA 3-E  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

DONNA G. WONG  
CALIF PUBLIC UTILITIES COMMISSION  
PROGRAM MANAGEMENT & IMPLEMENTATION BRAN  
AREA 3-E  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

GRETCHEN T. DUMAS  
CALIF PUBLIC UTILITIES COMMISSION  
LEGAL DIVISION  
ROOM 4300  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

JAMES SIMMONS  
CALIF PUBLIC UTILITIES COMMISSION  
TELECOMMUNICATIONS & CONSUMER ISSUES BRA  
ROOM 4108  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

KARIN M. HIETA  
CALIF PUBLIC UTILITIES COMMISSION  
TELECOMMUNICATIONS & CONSUMER ISSUES BRA  
ROOM 4108  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

LARRY A. HIRSCH  
CALIF PUBLIC UTILITIES COMMISSION  
PROGRAM MANAGEMENT & IMPLEMENTATION BRAN  
AREA 3-E  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

MARIE AMPARO WORSTER  
CALIF PUBLIC UTILITIES COMMISSION  
PROGRAM MANAGEMENT & IMPLEMENTATION BRAN  
AREA 3-E  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

NATALIE BILLINGSLEY  
CALIF PUBLIC UTILITIES COMMISSION  
TELECOMMUNICATIONS & CONSUMER ISSUES BRA  
ROOM 4108  
505 VAN NESS AVENUE

NORMAN C. LOW  
CALIF PUBLIC UTILITIES COMMISSION  
PROGRAM MANAGEMENT & IMPLEMENTATION BRAN  
AREA 3-E  
505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3214

PAUL S. PHILLIPS  
CALIF PUBLIC UTILITIES COMMISSION  
ELECTRICITY RESOURCES & PRICING BRANCH  
ROOM 4101  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

ROBERT HAGA  
CALIF PUBLIC UTILITIES COMMISSION  
EXECUTIVE DIVISION  
ROOM 5304  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

TYRONE CHIN  
CALIF PUBLIC UTILITIES COMMISSION  
PROGRAM MANAGEMENT & IMPLEMENTATION BRAN  
AREA 3-E  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

SAN FRANCISCO, CA 94102-3214

RICHARD CLARK  
CALIF PUBLIC UTILITIES COMMISSION  
CONSUMER PROTECTION AND SAFETY DIVISION  
ROOM 2205  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

THOMAS R. PULSIFER  
CALIF PUBLIC UTILITIES COMMISSION  
DIVISION OF ADMINISTRATIVE LAW JUDGES  
ROOM 5016  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

RANDY CHINN  
CHIEF CONSULTANT  
SENATE ENERGY UTILITIES & COMMUNICATIONS  
STATE CAPITOL, ROOM 4038  
SACRAMENTO, CA 95814

---

[Top of Page](#)

[Back to INDEX OF SERVICE LISTS](#)